IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.Civil Writ Petition No.7404/06

(Shyamu Khan vs. State of Rajasthan & Ors.)

Date of Order:- 20.11.2007.

HON'BLE MR.JUSTICE SANGEET LODHA

Mr.A.K.Singh, for the petitioner.
Mr.B.L.Tiwari,Dy.Government Advocate.

BY THE COURT:-

The petitioner is holding agriculture land in village Bangarsar, district Bikaner. He was extended irrigation facility from Bangarsar Lift Canal "A" Minor, through outlet situated at 5 kms. 820 ft. on the said Minor. Apprehending the shifting of the outlet , the petitioner has preferred this writ petition seeking directions against the respondent not to disturb the aforesaid outlet without providing an opportunity of hearing to the petitioner in conformity with the Rule 11 of Rajasthan Irrigation and Drainage Rules, 1955.

It is stated by the learned counsel appearing on behalf of the respondents that a bunch of writ petitions(No. 161/06 & connected matters) involving identical questions has already been disposed of by this Court vide order dated 27.2.2007. The learned counsel appearing on behalf of the petitioner also submits that the writ petition may be disposed of in terms of the aforesaid judgment dated 27.2.2007 passed by this Court.

The said bunch of writ petitions has been disposed of by this Court with the following observations and directions:-

> "Considering the totality of circumstances, I think it appropriate to direct that the petitioners may appear before the local Executive Engineer, and satisfy him individually, about the size of the pipe, and number of siphons sanctioned, and after so satisfying, the concerned cultivator shall be provided the irrigation facility, to the extent, originally sanctioned, till the otherwise irrigation facility is provided by the respondent. It is also made clear that in case, the Executive Engineer finds that in view of the subsequent events, like providing of otherwise irrigation facility by the canal, the subsistence of siphon is not required, in that event, the siphon will not be sanctioned.
>
> All these writ petitions are accordingly, disposed of. The petitioners may appear before the Executive Engineer on 19th March, 2007, and the Executive Engineer, shall decide the matter most expeditiously, preferably within a period of ten days thereafter.
>
> However, it is further directed that in case during this interregnum period, any cultivator has a turn of irrigation, then in that event, three days before that date, the concerned cultivator shall approach the Executive Engineer, and the Executive Engineer will decide his request immediately, on the above lines."

Accordingly, the writ petition is disposed of in terms of the observations and directions quoted hereinabove . The petitioner may appear before the Executive Engineer , Bangarsar Lift Canal,"A", Minor, I.G.N.P., Bikaner on 15th December, 2007, who shall pass an appropriate order keeping in view the aforesaid observations and directions of this Court , after giving an opportunity of hearing to the petitioner. No order as to costs.

(SANGEET LODHA),J.